**On Embodied Labour**

The nature of the labour is often abstracted away in philosophical examinations of surrogacy, which instead focus on the conditions of the transaction, exploring features such as whether consent was forthcoming, or if the payment was fair. In treating embodied labour as ordinary employment, the visceral and tangible role that the body and lived bodily experience play are obscured. Yet it seems the *nature* of what is being sold is of utmost importance. This is because there is nothing new about exploitation; our current economic order permits a vast number of exploitative arrangements, from zero hour contracts to poorly-paid cleaning jobs, which arguably do not attract the same level of philosophical debate. Yet practices such as commercial surrogacy, organ sales, and the use of human bodies for clinical research, seem to rouse particular concern.[[1]](#footnote-1) Further, if the exploitation element were removed from surrogacy and organ sales, it seems plausible that there would still be a special concern for this type of labour. For example, most people plausibly hold that the state should not force jobseekers into clinical trials, commercial surrogacy, and prostitution, while also holding that the state may permissibly force jobseekers into other employment areas, such as retail.

My aim in this paper, therefore, is to consider what might distinguish embodied labour from ‘ordinary’ jobs, and what might make the exploitation of this kind of labour particularly pernicious, or wrongful. In order to do so, I defend body exceptionalism, which Nir Eyal defines as the view that “we should treat the body and perhaps other elements of the self differently than we do material resources.”[[2]](#footnote-2) In order to argue for the distinctiveness of embodied labour, I begin by interrogating Cécile Fabre’s sufficientarian thesis, which implies that the body is no different from other material resources. Thus, in the manner that we redistribute wealth through taxation, body parts should also be coercively redistributed from the healthy to the sick, in order to obtain a minimum threshold of justice, including in the area of health.[[3]](#footnote-3) Fabre’s argument seems to imply that if you are committed to sufficientarianism, then the body has no special moral status. I argue, however, that even if we accept sufficientarianism, it’s not obvious we should reject the special status of body rather than rejecting (her conception of) sufficientarianism. In support of this, I consider the social significance of the human body, and consider how this might impact upon our collective assessment of Fabre’s proposals. In particular, I claim that the body holds peculiar salience, and that bodily invasion typically has harmful social effects. This critique of Fabre is intended to elevate the body as special, in order for me to make the claim that embodied labour can plausibly be viewed as distinctive, and thus as worthy of special concern. Following my defence of body exceptionalism, I suggest that the special nature of embodied labour has normative implications regarding how we ought to intervene in and regulate such transactions.

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1. An argument will be provided in support of the claim that people seem to view labour that involves the human body, like surrogacy, differently to cleaning or working in retail. [↑](#footnote-ref-1)
2. Nir Eyal, ‘Is the Body Special? Review of Cécile Fabre, Whose Body Is It Anyway? Justice and the Integrity of the Person’, *Utilitas* 21, no. 02 (June 2009): 233, https://doi.org/10.1017/S0953820809003513, p. 234. [↑](#footnote-ref-2)
3. Cécile Fabre, ‘Justice and the Compulsory Taking of Live Body Parts’, *Utilitas* 15, no. 02 (July 2003): 127, https://doi.org/10.1017/S0953820800003915. [↑](#footnote-ref-3)